

Interview Summary: Jacob Wells, GiveSendGo

Background

Jacob Wells co-founded GiveSendGo, LLC (“GSG”) with two of his siblings in 2014. He is GSG’s Chief Financial Officer and heads the organization with his sister, Heather Wilson. Mr. Wells was involved as GSG’s representative during the protests that took place in Ottawa in January and February 2022, including by communicating with convoy organizers.

Mr. Wells was interviewed by Daniel Sheppard and Étienne Lacombe on September 2, 2022. Questions about this summary should be directed to Daniel Sheppard.

Text contained in [square brackets] are explanatory notes provided by Commission Counsel to assist the reader.

GiveSendGo Campaigns

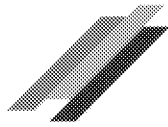
GSG hosts campaigns on its platform and partners with payment service providers (“PSPs”) to receive and disburse funds. Its main PSP is Stripe.

To create a campaign on GSG, users must open an account with a PSP. Donations through GSG go directly into the user’s PSP account, where they are held for a number of days. This hold allows the PSP to comply with fraud prevention and other obligations. Once the hold period has concluded, users can choose to leave the funds in their PSP account or to have them transferred, either manually or periodically, to a bank account. GSG cannot prevent users from transferring the funds out of their PSP accounts, although it can force a refund to be issued when appropriate.

GSG’s requirement that campaign organizers open their own PSP accounts reduces GSG’s liability. Depending on the type of account, the user and the PSP assume fraud and dispute liability. This is so for Standard Stripe accounts [as opposed to Express and Custom Stripe accounts, which apportion liability differently]. The convoy organizers’ Stripe accounts were Standard accounts.

When users open a PSP account (i.e., before the campaign is created), the PSP obtains the users’ identification and ensures they are not prohibited from opening an account. As a result, all campaign organizers on GSG are vetted upfront.

GSG also performs its own due diligence. It validates organizers through a Know Your Own Client process to ensure they are allowed to be in the banking system and prohibits campaigns that call for illegal actions. GSG does not interfere with campaigns that have a legal purpose. It does not remove campaigns on political grounds or for fear that the organizers will be unable to achieve their stated purpose. GSG believes that there are



enough enforcement agencies and mechanisms (such as police and the courts) to hold any campaign organizers who do not use donations for their stated purpose to account.

The Establishment of the Adopt-A-Trucker and Freedom Convoy 2022 Crowdfunding Campaigns

GSG hosted two large campaigns in relation to the events of January and February 2022: The Adopt-A-Trucker Campaign and the Freedom Convoy 2022 campaign.

The Adopt-a-Trucker campaign was created by Chris Garrah on January 18, 2022 and began accumulating donations immediately. GSG had had no previous contact with Mr. Garrah.

On January 26, 2022, John Ballard reached out to Jacob Wells. Mr. Ballard indicated that he was associated with the social media platform CloutHub and that he wished to see the Freedom Convoy 2022 campaign transferred from GoFundMe to GSG. [The Freedom Convoy 2022 campaign was initially hosted on crowdfunding platform GoFundMe. It was created by Tamara Lich on January 14, 2022].

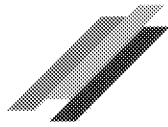
Mr. Ballard was concerned that GoFundMe would withhold the donations, as it had done with other high-profile campaigns.

On January 27, 2022, Mr. Ballard told Mr. Wells that he had acquired Ms. Lich's email address. Mr. Ballard requested a mock-up of how the Freedom Convoy 2022 campaign would appear on GSG and Mr. Wells agreed to create one using the content from the GoFundMe page. The mock-up could not receive donations.

Later on January 27, 2022, Mr. Ballard realized that GSG was already hosting a trucker fundraiser—Mr. Garrah's Adopt-A-Trucker campaign. He asked Mr. Wells for Mr. Garrah's contact information. A GSG employee obtained Mr. Garrah's permission and shared his contact information on January 28, 2022.

On January 31, 2022, Mr. Ballard invited Mr. Wells to join a call in which Chad Eros and other Freedom Convoy 2022 campaign representatives were participating. Mr. Wells joined the call. The campaign organizers indicated that they were negotiating the release of additional funds with GoFundMe and agreed to create a fundraiser on GSG that could also solicit funds. They further advised that they had created a non-profit corporation but that it did not yet have a bank account. Mr. Wells offered to open a personal Stripe account and to link it to his American bank account. That way, the campaign could begin receiving funds immediately and the funds could be transferred to the non-profit corporation once it had a bank account. Mr. Wells had done similar things in the past for other campaigns, though it was not a common thing to do.

The Freedom Convoy 2022 campaign launched on GSG on January 31.



On February 3, 2022, Mr. Wells sent Mr. Eros a brief written commitment to holding donations on behalf of the Freedom Convoy 2022 campaign.

On February 4, 2022, GoFundMe removed the Freedom Convoy 2022 campaign from its platform. Campaign organizers used their social media channels to redirect donors to GSG. The flow of donations to the campaign on GSG increased significantly.

Also on February 4, 2022, Mr. Eros emailed Mr. Wells the Articles of Incorporation for the non-profit corporation.¹ Mr. Wells granted Mr. Eros administrative privileges for the Freedom Convoy 2022 page on GSG. He also asked Mr. Eros to open a payment processing account with Stripe.

Disbursement of Donations

On February 5, 2022, Mr. Wells received an email from Mr. Eros. The email explained that the organizers had a \$65,000 invoice and expected to incur more expenses. Mr. Eros was asking that donations be advanced to lawyer Keith Wilson's trust account. At the time, the donations had not cleared Stripe's holding period. Mr. Wells did not action this request and no funds were transferred to Mr. Wilson's account.

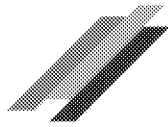
By February 7, the Freedom Convoy 2022 campaign was still linked to Mr. Wells's Stripe and bank accounts. The donations cleared Stripe's holding period on that day and were automatically deposited into Mr. Wells's bank account, which he did not expect. The transfer from the Stripe account was over \$4.9 Million USD. That day, Mr. Wells changed the Stripe account associated with the Freedom Convoy 2022 campaign from his personal account to one created by Mr. Eros.

Around this time, Mr. Eros was also emailing Mr. Wells documents pertaining to the non-profit corporation. These included the Documents of Incorporation he sent on February 7² and the confirmation of by-laws he sent on February 8.³ GSG viewed the receipt of these documents as a further exercise of due diligence since they confirmed the leaders of the non-profit corporation and, by extension, with whom GSG should be communicating. At the time, influencers who had no formal ties to the corporation were holding themselves out as fundraiser organizers. Mr. Wells was concerned that many individuals and organizations were attempting to latch on to the convoy organizers for their own purposes.

¹ **GSG00000005.**

² **GSG00000002.**

³ **GSG00000007.**



On February 9, Mr. Wells emailed Mr. Eros a document formalizing the agreement Mr. Wells had reached with the organizers on January 31 about collecting the funds while the non-profit corporation opened a bank account.⁴

On February 10, 2022, Mr. Eros notified Mr. Wells that Stripe had suspended Mr. Eros's account. Mr. Wells therefore connected the Freedom Convoy 2022 campaign back to his personal Stripe account.

On February 11, 2022, Mr. Wells learned that Stripe was also restricting access to Mr. Garrah's Stripe account, which was linked to the Adopt-A-Trucker campaign. Stripe was acting pursuant to a restraint order from the Ontario Superior Court of Justice. Mr. Wells changed the PSP associated with that campaign from Stripe to RallyPay, which allowed further donations to be collected.

On February 13, 2022, Detective Christopher Rhone of the Ottawa Police Service emailed a copy of the restraint order to GSG. Then, on February 25, 2022, GSG received service regarding the Mareva injunction via its Delaware agent.

The Removal of the Campaigns from GiveSendGo

In early March 2022, GSG decided to initiate refunds for the Adopt-A-Trucker and the Freedom Convoy 2022 campaigns. GSG made the decision because the purpose of the campaigns could no longer be achieved. GSG understood that the funds could not legally be transferred to any Canadian citizens and would therefore not reach their intended recipients. On March 14, GSG stopped the campaigns from receiving funds.

The refund process took time, in part because the money that had been transferred to Mr. Wells's personal account needed to be returned to Stripe first. Refunds of that money, which totalled approximately \$7 Million USD, were initiated on March 25, 2022. The Adopt-A-Trucker donations that RallyPay had processed were also refunded. Donations to the Freedom Convoy 2022 campaign that had been deposited in Mr. Eros's Stripe account between February 7 and 10, 2022 could not be retrieved to issue refunds.

⁴ GSG00000001.